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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,510	10/19/2001	James Alfred Bradford	BRADFORD	3941

7590

01/02/2004

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EXAMINER
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FRANK, ELLIOT L

ART UNIT	PAPER NUMBER
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2125

6

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

10/047,510

Applicant(s)

BRADFORD, JAMES ALFRED

Examiner

Elliot L. Frank

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED FINAL ACTION**

***Response to Amendment***

1. The following FINAL office action is a response to applicant's amendment (A) filed on 1 December 2003.
2. Claims 2-11 remain pending from the previous action. Claim 1 has been cancelled. Claim 2 has been amended.

***Response to Arguments***

3. Applicant's arguments with respect to claims 2-11 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fesmire et al. (USPN 6,067,483 A) in view of Ehlers et al. (US 2001/0010032 A1).

The limitations of claim 2 are as follows:

An electrical energy control system adapted for use with an electrical distribution panel, comprising:

(a) means for controlling a main circuit breaker that is adapted to turn said main circuit breaker off and on;

(b) means for controlling a plurality of branch circuit breakers that is adapted to turn each of said plurality of branch circuit breakers off and on; and

(c) control means adapted for controlling said main circuit breaker and said plurality of branch circuit breakers and wherein when said main circuit breaker is off no electrical power is supplied to any of said plurality of branch circuits and wherein whenever electrical power to said main circuit breakers is interrupted or whenever said main circuit breaker is off, said control means turns off all of said plurality of branch circuits and wherein subsequent to a restoration of electrical power to said main circuit breaker or when said main circuit breaker is urged into an on position said control means is adapted to sequentially turn on each of said branch circuit branch circuit breakers beginning with a first of said plurality of branch circuits, retaining both said first and said second in an on position, and then turning on in like manner all of a remainder of said plurality of branch circuits until all of said branch circuits have been turned on.

Essentially claim 2 consists a hardware requirement for a circuit breaker system and a circuit breaker reactivation process requirement.

Fesmire et al. reads on the circuit breaker system requirement of claim 2 at column 4, line 60 to column 5, line 40 wherein it describes a computer controlled breaker system controlling various types of main and subsidiary power circuits.

While Fesmire et al. is a computerized system for circuit breaker control, it does not read specifically on the reactivation process also required by claim 2.

Ehlers et al., analogous to Fesmire et al. in that both systems are used to automatically control power via computer controlled circuit breakers (Ehlers et al., page 2, paragraph 0011) reads on the additional requirements of claim 2 at page 17, paragraph 0156, wherein a power restoration process using the same technique as the instant invention is recited.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the elements of Ehlers et al. into Fesmire et al. to alleviate significant strain on the power system and to help minimize cold load pickup problems (Ehlers et al., page 17, paragraph 0156).

6. Claims 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fesmire et al. (USPN 6,067,483 A) in view of Ehlers et al. (US2001/0010032 A1) as applied to claim 2 above, and further in view of Erickson et al. (USPN 4,623,859).

Claims 3-11 depend from claim 2. Claim 2 has been shown to be obvious in view of the combination of Fesmire et al. and Ehlers et al.

In addition, Fesmire et al. reads on the limitations of the aforementioned claims as cited below:

3. The electrical energy control system of claim 2 wherein said control means includes a control panel, and wherein said control panel includes a circuit panel and wherein said circuit panel includes a microprocessor, a real-time clock, a battery, a display, and means adapted for programming said microprocessor (column 4, lines 10-41), [and wherein said microprocessor includes a main control line that is operatively attached to a solenoid and wherein said solenoid is adapted to turn said main circuit breaker on and off in accordance with a signal that is supplied by said microprocessor on said main control line].

4. The electrical energy control system of claim 3 wherein said microprocessor includes means for communicating with a remote location (column 6, lines 8-13).

7. The electrical energy control system of claim 6 wherein said system is adapted to communicate with said utility company to confirm compliance that said main circuit breaker was in the off position beginning at said time and lasting for said duration (column 6, lines 15-29).

8. The electrical energy control system of claim 4 wherein said remote location includes an end-user of electricity supplied by a utility company (column 6, lines 15-29).

In addition, Ehlers et al. reads on the limitations of the aforementioned claims as follows:

5. The electrical energy control system of claim 4 wherein said remote location includes a utility company (page 3, paragraph 0013).

6. The electrical energy control system of claim 5 wherein said microprocessor is adapted to be programmed by said utility company at which time and for what duration said main circuit breaker is to be in the off position (page 3, paragraph 0013 and page 16, paragraphs 0134 and 0138).

9. The electrical energy control system of claim 2 wherein said control means is adapted to include a time delay after said control means has sequentially turned on one of said branch circuit breakers prior to turning on another of said branch circuit breakers (page 17, paragraph 0156).

Claims 3,10 and 11 also require solenoids to actuate the processor-controlled circuit breakers as follows:

3. ...wherein said microprocessor includes a main control line that is operatively attached to a solenoid and wherein said solenoid is adapted to turn said main circuit breaker on and off in accordance with a signal that is supplied by said microprocessor on said main control line

10. The electrical energy control system of claim 2 wherein said means for controlling a main circuit breaker includes a solenoid attached to said main circuit breaker.

11. The electrical energy control system of claim 2 wherein said means for controlling a plurality of branch circuit breakers includes a branch solenoid attached to each of said branch circuit breakers.

Fesmire et al. incorporates Erickson et al. by reference at column 5, lines 13-16. Erickson et al. specifies that the use of solenoids in processor-controlled circuit

breakers was well known at the time the invention was created per column 1, lines 21-39.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a well-known solenoid actuated circuit breaker if the requirements of the application warranted such a device.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

USPN 6,522,227 B1 – Mody et al. – Remote operated circuit breaker.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

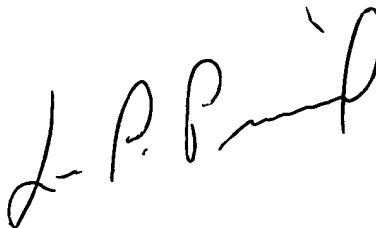
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elliot L Frank whose telephone number is (703) 305-5442. The examiner can normally be reached on M-F 7-4:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

A handwritten signature in black ink, appearing to read "L. P. Picard", with a stylized flourish at the end.

ELF  
December 17, 2003

**LEO PICARD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**